



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
SERVICE ELECTRIC CABLE TV OF NEW)
JERSEY, INC. FOR A RENEWAL OF ITS)
CERTIFICATE OF APPROVAL TO OWN,)
OPERATE, EXTEND AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN THE)
BOROUGH OF ANDOVER, COUNTY OF)
SUSSEX, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE99090714

SERVICE LIST ATTACHED

BY THE BOARD:

On December 18, 1980, the Board granted to Service Electric Cable TV of New Jersey, Inc. under the corporate name of Garden State CATV, Inc. ("Garden State"), a Certificate of Approval in Docket No. 7911C-6592 for the construction, operation and maintenance of a cable television system in the Borough of Andover ("Borough"). The Petitioner has since undergone internal restructuring and has dropped the name Garden State. The company is currently known as Service Electric Cable TV of New Jersey, Inc. ("Petitioner"). On December 24, 1991, the Board issued a Renewal Certificate of Approval to the Petitioner in Docket No. CE91020163. Although the Petitioner's above referenced Certificate expired on December 31, 2000, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on November 3, 1995, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On September 9, 1996, after public hearing, the Borough adopted an ordinance granting renewal municipal consent to the Petitioner. On October 15, 1997, the Petitioner formally rejected the ordinance.

On September 30, 1999, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough, stating that the Petitioner formally rejected the ordinance. The Petitioner alleged that the Borough, by adopting a renewal municipal consent ordinance that was unacceptable to the Petitioner, was arbitrary, capricious

and its decision was unsupported by the record.

Discussions took place between the parties that culminated in a settlement that resolved the matter. Pursuant to those discussions, the Borough adopted an amendment to the ordinance granting renewal of its municipal consent on April 10, 2000. On June 7, 2004, the Petitioner accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24, and concurrently amended the petition.

The Board has reviewed the application for municipal consent; the petition and amended petition for a Renewal Certificate of Approval; and the municipal consent ordinance and amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years from the date of issuance of this certificate, with an automatic renewal provision for a term of ten years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Board finds these periods to be of reasonable duration.
5. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at 320 Sparta Avenue, Sparta, NJ 07871.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by

subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall provide the installation of one outlet and basic cable service to the Borough's Municipal Building, the Borough's Senior Citizen/Community Center, and the Borough's Fire House, free of charge.
11. Upon the request of the Borough, the Petitioner and the Borough's designee shall meet to review all matters relating to cable television in the Borough.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

This Renewal Certificate is issued on the following condition.

Due to the age of the matter, the Petitioner shall file an updated application form that reflects the current information and revisions to the application that were a result of the settlement, in accordance with all applicable rules and regulations. This information shall be submitted to the Board within sixty days of the issuance of this Certificate.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, that the undertakings therein contained shall be adhered to

and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq., and that Petitioner shall file an updated application form, as noted above, within sixty day of issuance of this Certificate.

This Certificate shall expire 15 years from the date of its issuance.

DATED: **June 24, 2004**

BOARD OF PUBLIC UTILITIES
BY:

SIGNED

JEANNE M. FOX
PRESIDENT

SIGNED

FREDERICK F. BUTLER
COMMISSIONER

SIGNED

CAROL J. MURPHY
COMMISSIONER

SIGNED

CONNIE O. HUGHES
COMMISSIONER

SIGNED

JACK ALTER
COMMISSIONER

ATTEST:

SIGNED

KRISTI IZZO
SECRETARY

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